

# LEGISLATIVE UPDATE

June 22, 2012

## Meetings June 25 – June 29

*No education- related committee meetings scheduled at the time of the update.*

## Summary of Key Legislation and Additional Resources

### On the Budget –

The budget is the big news this week. In less than 24 hours after it was posted, the Senate and House voted to approve the budget proposed by the Conference Committee. The Senate voted 30-15 along party lines with Senators Preston, Garrou, Graham, Jones, and Robinson absent. The House voted 71-45. All Republicans present voted in favor of the bill with Representatives Hastings and McElraft absent. Among Democrats, all present voted against the bill except Representatives Brisson, Crawford, Hill, McLawhorn, and Owens. Representatives Spear and Womble were absent. The ratified budget now goes to the Governor who has ten days to decide to sign, not sign, or veto the budget. If the budget is vetoed, the House and Senate can vote to override the veto. If the same votes remain on the budget, there will be enough votes to override the veto. If there is a shift and the General Assembly does not override the veto, it can then revise the budget or leave the biennial budget passed last year in place.

A comparison of the ratified budget to the House, Senate, and Governor's proposed budget is available on the Financial and Business website or by [clicking here](#). In terms of comparing the ability of school districts to fill/retain positions and meet other critical needs from last year to this year, here are the numbers: last year school districts had to return \$428 million in the LEA discretionary cut. That amount will be \$360 million this year. Added to the \$360 million is the \$258 million for state positions for which the General Assembly did not accept responsibility after temporary federal funding (EduJobs) expired. This means that school districts face \$618 million in a shortfall of funding compared to \$428 million. Thus, the funding shortfall grows by \$190 million this year. For the impact of the LEA discretionary reduction by district, [click here](#). Dr. Harrison has written about this budget in his recent blog, available [here](#).

The budget also provides the following additional funds:

- \$26.6 million for implementing the K-3 literacy (section 7A.1)
- \$400,000 for school districts that did not get waiver for additional 5 days (section 7A.6)
- \$4.7 million restored to residential schools (of the \$5.5 million eliminated in the 2011 budget; section 7.8(c) allows DPI to use receipts from renting space on the campuses to help fund the residential schools)
- \$800,000 restored to the Governor's schools (\$49,000 less than original funding)
- \$84.9 million for a 1.2% salary raise for all employees (section L of the money report)

The budget makes the following reductions:

(\$4.4 million) additional cut to textbooks to leave \$22.8 million in the allotment

(\$ .55 million) reduction to the liability insurance for public school personnel to align with projected costs.

1. Other adjustments were made based on having fewer students than projected. This reduced the Average Daily Membership by \$6.4 million and the Average Teacher Salary by \$85.7 million. To view the money report, [click here](#).

There are a number of special provisions that affect public education. Most are in the public education part of the budget in Section 7 and 7A of [HB 950](#). Go to section 25.6 for salary schedules and 25.10 for retirement. Here are some of the provisions that are important to school districts:

Section 7.11(a) Clarifying cooperative innovative high school statutes

- The primary purpose of these revisions is to clarify the application process, providing a distinction between applications that seek funding from the General Assembly and those that do not. The key statute for this is 115C-238.51A (in section 7.11(c)).

Section 7.12 North Carolina Virtual Public Schools

- This rewrites last year's appropriation bill to provide more options for funding instructional costs of NCVPS.

Section 7.14 Teacher/teacher assistant leave on instructional days

- This addresses a need of LEAs. It provides that local boards may adopt policies permitting instructional personnel or teacher assistants employed for 11 or 12 months in year-round schools to, with the approval of the principal, take vacation leave at a time when students are in attendance; local funds shall be used to cover the cost of substitutes.

Section 7.18 Budgeting of position allotments

- This revises rules regarding transfer of funds to provide "For funds related to classroom teacher positions, the salary transferred shall be based on the first step of the "A" Teachers salary schedule." Financial and Business services can provide more information on this requirement.

Part VII-A. Excellent Public Schools Act

Section 7A.1 Improve K-3 Literacy

- These detailed provisions on reading programs and retention in the third grade are like those in the Senate version of SB 795. The requirements go into effect for the 2013-2014 school year except the kindergarten entry assessment which begins the 2014-2015 school year.

Section 7A.3 School Performance Grades

- This establishes the A-F report card as provided in the senate version of SB 795. It adds in 7A.3 (f) the intent to incorporate a student growth component. This may occur during the short session.

Section 7A.6 Funding for the addition of five instructional days within the existing school calendar

- This provides funding for this coming school year for school districts that did not receive a waiver. It allocates \$351,469 for transportation and \$40,168 for noninstructional support personnel. (Note: other calendar provisions in other versions of the Excellent Public Schools Act are not included in the budget)

Section 7A.10 Pay for Excellence

- This changes the pay for performance provision in other versions of the Act to be permissive rather than mandatory. That is, local boards of education may develop a performance pay plan.

Section 25.10 Salary-Related Contributions

- This adjusts the retirement contribution rate from 14.31% to 14.23%.

Section 25.13 Provide cost-of-living increases for retirees

- This increases the retirement allowance by one percent (with a prorated amount for retirements after July 1, 2011).

## **Bills that made progress June 18 – June 22.**

**SB 724 An Act to Improve Public Education** was ratified this week and is awaiting the Governor's signature. Last week's update describes all of the reforms included. Of most immediate significance for school districts are the following:

115C-105.41(a)... If a student's school report card provides all the information required in a personal education plan, then no further personal education plan is mandated for the student.

(b) Local boards of education shall adopt and implement plans for the creation of transition teams and transition plans for students at risk, as defined by the State Board of Education, to assist them in making a successful transition between the elementary school and middle school years and between the middle school and high school years.

These provisions go into effect when the bill becomes law. School districts should be prepared to implement this beginning in July.

**SB 707 School Violence Prevention Act** was near ratification but the Senate voted not to concur with an amendment made in the House. It goes to conference committee next week. Differences are minor so it should emerge for vote by the House and Senate and would seem likely to pass. Last week's legislative update included a listing of all of the provisions. The changes to public school laws will take effect either at the beginning of the 2012-13 school year or when the bill becomes law. Provisions that may require changes in local board policies or administrative practices include those related to the role of personnel in reporting assaults and in assigning students convicted of cyber-bullying. These provisions are as follows:

**SECTION 8.** Article 19 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C- 289.1. Supervisor duty to report; intimidation of school employee.**

(a) When a supervisor of a school employee has actual notice that the school employee has been the victim of an assault by a student in violation of G.S. 14- 33(c)(6) resulting in physical injury, as that term is defined in G.S. 14- 34.7, the supervisor shall immediately report to the principal the assault against the school employee. For the purpose of this subsection, the term "supervisor of a school employee" does not include the principal or superintendent.

(b) A principal, superintendent, or supervisor of a school employee shall not, by threats or in any other manner, intimidate or attempt to intimidate that school employee from reporting to law enforcement an assault by a student under G.S. 14- 33(c)(6).

(c) Nothing in this section shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students."

**SECTION 9.** Article 25 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C- 366.4. Assignment of students convicted of cyber- bullying.**

A student who is convicted under G.S. 14- 458.2 of cyber- bullying a school employee shall be transferred to another school within the local school administrative unit. If there is no other appropriate school within the local school administrative unit, the student shall be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyber- bullying. Notwithstanding the provisions in this section, the superintendent may modify, in writing, the required transfer of an individual student on a case- by- case basis."

**SECTION 10.** G.S. 115C- 390.3 is amended by adding a new subsection to read:

"(d) No school employee shall be reprimanded or dismissed for acting or failing to act to stop or intervene in an altercation between students if the employee's actions are consistent with local board policies. Local boards of education shall adopt policies, pursuant to their authority under G.S. 115C- 47 (18), which provide guidelines for an employee's response if the employee has personal knowledge or actual notice of an altercation between students."

Another bill likely to pass is **HB 1096, Simplify School Beverage Contract Bids**. This bill eliminates the need for school districts to bid water and juice contracts separately. Community colleges and the UNC system decided that they also would like to benefit from the change. The bill was amended in Senate Rules and Operations Committee to now simply repeal the provision altogether. It now will go to the full Senate for vote on Monday night, June 25, and then to the House for concurrence.

Because the Senate has shut down its policy committees, bills are being re-referred to Senate Rules and Operations Committee. In addition to HB 1096, the rules committee approved **HB 964, North Carolina Longitudinal Data System**. In its current form, it establishes the Longitudinal Data System Board to oversee the development of a system that provides for exchange and linkage of student data in the preK-20 system. It also provides liability protection to private colleges in regard to disclosure of student data. This bill is calendared for Senate vote on Monday night. Because there was an amendment in the Senate Rules and Operations Committee (adding the State Controller to the board and removing the creation of a director of the system), it will have to go to the House for concurrence.

Another bill heard this week was **HB 1002, Bill of Rights/Deaf/Hearing Impaired**. In the House Judiciary A Committee speakers representing special education directors, local boards, and the Department of Public Instruction raised concerns, including about conflicts with federal requirements for least restrictive environment, the potential for litigation from having language different from federal law, the precedent of establishing separate bill of rights for disability categories, and the lack of need for additional laws given the breadth and strength of existing law. There also were several speakers in favor of the bill and its emphasis on the needs of the deaf community. The committee chair decided to hold the bill until consensus could be reached with the interested parties. The next meeting has not been scheduled yet.

On Monday of this week, the House Education Committee took up a proposed committee substitute for **SB 795, Excellent Public Schools Act**. This has already been described in a special update earlier this week. You can read this update by [clicking here](#).

#### **Other bills that had moved this week –**

**HB 7 Comm. College/Opt Out of Fed'l Loan Program** – Veto overridden, SL 2012-31

**HB 1018 Yadkin Valley Career Academy** – Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the Senate, ratified

**HB 1180 Video Sweepstakes Entertainment Tax** – Withdrawn from the Commerce and Job Development Committee, re-referred to the House Committee on Finance

**SB 423 Educ. Oversight Comm. Study of Teacher Tenure** – Withdrawn from the House Education Committee, Re-referred to the House Committee on Government.

**SB 810 Regulatory Reform Act** – Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House, ordered engrossed

#### **What to look for next week –**

At the time of issuing this update, no committees were scheduled with bills related to public education. We can expect that the Senate and House rules committees will be used to move legislation. If you are trying to follow legislation during the week, be sure to subscribe to emails for the schedules for the rules committees. You can subscribe by following this link: <http://www.ncleg.net/gascripts/Committees/Committees.asp>

## **Bills in the Short Session That Have Become Session Laws**

[SL 2012-5](#) HB 1063 Excuse School Day for Johnson Co. School  
[SL 2012-27](#) HB 1065 Use Moore County School Buses for 2012 US Open  
[SL 2012-6](#) SB 582 Authorize Indian Gaming/Revenue  
[SL 2012-12](#) HB 966 Teacher Prepayment and Salary/Pre-K Eligibility  
[SL 2012-24](#) HB 322 Haywood School Board Filing Fee  
[SL 2012-31](#) HB 7 Comm. Colleges/Opt of Fed'l Loan Program  
[SL 2012-48](#) HB 1018 Yadkin Valley Career Academy

### **Ratified bills pending on Governor's desk**

[HB 950](#) Modify 2011 Appropriations Act  
[SB 724](#) An Act to Improve Public Education

### **Bills in Conference**

[HB 503](#) Parent Choice/Clarify Pre-Kindergarten

## **Listing of Bills with Impact on Students and Public Schools**

(bills in **BOLD** had action this week)

### **HOUSE BILLS**

[HB 7 Community Colleges/Opt. Out of Fed'l Loan Program](#) (Ingle, Cleveland, McCormick)  
An Act to provide that constituent institutions of the North Carolina Community College System may opt out of participation in the William D. Ford Federal Direct Loan Program.  
*6/18/2012 Veto overridden in the Senate, Ch. SL 2012-31*

[HB 177 Environmental Technical Corrections 2011](#) (Samuelson, McElraft)  
An Act to make clarifying, conforming, and technical amendments to various laws related to the environment and natural resources.  
*6/7/2012 Committee substitute received a favorable report in the Senate Commerce Committee, committee substitute adopted*

[HB 244 State Health Plan/Add Schools; Whistleblowers](#) (Murry)  
An Act to authorize Sterling Montessori Academy and charter school, the Casa Esperanza Montessori Charter School, and Kestrel Heights School to elect to participate in the State Health Plan for Teachers and State Employees and to provide protections for whistle-blowers alleging fraud or other misconduct related to the State Health Plan.  
*6/11/2012 Received in the House for concurrence, referred to the House Committee on Insurance.*

[HB 261 Intrastate Motor Carrier Markings](#) (McComas)  
An Act to require intrastate motor carriers to be marked.  
*6/13/2012 Ratified*

[HB 322 Haywood School Board Filing Period](#) (Rapp, Haire)  
An Act to allow the Haywood County Board of Elections to extend the filing period if no person files for a seat on the Haywood County Board of Education.  
*6/12/2012 Ratified, Ch. SL 2012-24*

[HB 451DWLR Penalties Increased/Vehicle Seizures](#) (Starnes)

An Act to increase the penalties for driving while license revoked by setting minimum fines for the initial and subsequent convictions and by providing for the seizure and forfeiture of the vehicle being operated by a driver whose license or driving privileges are revoked if the driver has two prior convictions for driving while license revoked and it is the third such offense in a ten-year period.

*6/7/2012 Committee substitute received a favorable from the Judiciary II Committee, committee substitute adopted, re-referred to the Committee on Appropriations/Base Budget*

[HB 503 Parent Choice/Clarify Pre-K](#). (Insko, LaRoque)

An Act to exempt parentally supplied foods from nutrition standards and evaluations, and to clarify eligibility and repeal co-pay requirements for the NC Pre-K Program.

*6/5/2012 - Senate committee substitute failed concurrence in the House, a conference committee was appointed*

[HB 946 \(SB 871\) Restore Funding for Teaching Fellows Program](#) (McLawhorn, Lucas, Bell, Tolson)

An Act to restore funding for the Teaching Fellows Program.

- This would appropriate \$3,475,000 to restore funding.

*5/17/2012 Referred to the House Committee on Appropriations.*

[HB 950 Modify Appropriations Act of 2011](#) (Brubaker)

An Act to modify the current operations and capital improvements appropriations act of 2011 and for other purposes.

*6/13/2012 Passed 2<sup>rd</sup> reading in the Senate*

*6/14/2012 Passed 3<sup>rd</sup> reading in the Senate*

*6/14/2012 Failed concurrence in the House, conference committee appointed for the House and the Senate*

[HB 964 North Carolina Longitudinal Data System](#) (Blackwell, Holloway, Johnson, Jordan)

**An Act to create the North Carolina Longitudinal Data System and governing board; and to provide that private colleges and universities, nonpublic schools, and the North Carolina Independent Colleges and universities are not liable for a breach of confidentiality caused by the act or omission of a state agency, local school administrative unit, community college, or constituent institution of the University Of North Carolina**

*6/19/2012 Withdrawn from the Senate Education Committee, re-referred to the Rules and Operations of the Senate Committee*

*6/21/2012 Favorable report as amended, committee amendment adopted*

[HB 965 Broaden Successful AP Participation](#) (Blackwell, Holloway, Johnson, Jordan)

An Act to broaden successful participation by students in advanced placement courses and to create performance incentives for schools and teachers for student excellence in advanced placement courses, as recommended by the [House Select Committee on Education Reform](#).

- The committee report identifies the cost for implementation at \$11,660,921.

*5/23/2012 Committee substitute received a favorable report in the House Education Committee, re-referred to the House Appropriations Education Subcommittee*

[HB 966 Repeal Prohibition on Teacher Prepayment](#) (Holloway, Johnson, Blackwell, Hilton) (See also companion bill, SB 823)

An Act to repeal the prohibition on teacher prepayment provision in the School and Teacher Paperwork Reduction Act of 2011, as recommended by the [Joint Legislative Education Oversight Committee](#).

- This would repeal section 5 of SL 2011-379 (H720). The repeal would return salary payment requirements in G.S. 115C-302.1(b) to language existing prior to the 2011 Session

*6/11/2012 Signed by the Governor, Ch. SL 2012-13*

[HB 967 Yadkin Valley Career Academy Funding](#) (Dockham)

An Act to provide funding for the Yadkin Valley Regional Career Academy.

- This would appropriate \$307,650 for a school run by Davidson County Schools, Lexington City Schools and Thomasville City Schools.

*5/17/2012 Referred to the House Committee on Appropriations*

[HB 974 Eliminate Student Cost Reduced-Price Breakfast](#) (LaRoque, Sanderson)

An Act to appropriate funds to the Department of Public Instruction for the Child Nutrition Program to eliminate the student cost for reduced-price breakfast in order to increase breakfast participation, as recommended by the [House Select Committee on Childhood Obesity](#).

- This would appropriate \$1,700,000 to supplement federal child nutrition funds.

*5/17/2012 Referred to the House Committee on Appropriations*

[HB 976 Task Force & Work Group on PE and Fitness](#) (LaRoque, Sanderson)

An Act to establish the Task Force on Physical Education and Physical Activity in Schools and to direct the State Board of Education to coordinate a work group to examine the current status of data collection from fitness testing conducted in kindergarten through eighth grade, as recommended by the [House Select Committee on Childhood Obesity](#).

*5/17/2012 Referred to the House Committee on Education*

[HB 977 School Mealtime](#) (LaRoque, Sanderson)

An Act to direct the State Board of Education and the Department of Public Instruction to determine optimal seat time for students eating meals in public schools and to explore mealtime options, as recommended by the [House Select Committee on Childhood Obesity](#).

*5/17/2012 Referred to the House Committee on Education*

[HB 978 Funds for Child Nutrition](#) (LaRoque, Sanderson)

An Act to appropriate funds to the Department of Public Instruction for the Child Nutrition Program to assist child nutrition programs in meeting nutrition standards, as recommended by the [House Select Committee on Childhood Obesity](#).

- This would appropriate \$20,000,000.

*5/17/2012 Referred to the House Appropriations Subcommittee on Education*

[HB 984 Restore Funding to NCCAT](#) (Rapp)

An Act to restore funding for the North Carolina Center for the Advancement of Teaching.

- This would appropriate \$3,000,000.

*5/17/2012 Referred to the House Committee on Appropriations*

[HB 985 Driver Education Fee Paid When Getting Permit](#) (Gillespie)

An Act to collect a fee for Driver Education when applying for a limited learner's permit.

- This bill would add a new \$15 fee for all learner's permits and an additional \$45 fee to be credited to the costs of the driver education program provided through the public schools. This would seem to be an alternative approach to charging students at the time the time that they take the course.

*5/21/2012 Passed 1<sup>st</sup> Reading, referred to the House Committee on Finance*

[HB 995 Tax Adjustment Plan](#) (Owens)

An Act to increase the sales tax by a penny, reduce the corporate income tax rate by one percent, increase the personal exemption for personal income tax, give state employees and teachers a two percent pay raise, and provide additional funds for education.

*5/21/2012- Passed 1<sup>st</sup> reading, referred to the House Committee on Finance, if favorable, Appropriations*

[HB 998 Funds to Reduce Class Size in K-3](#) (Glazier, M. Alexander, Gill, Rapp)

An Act to appropriate funds to reduce class size in kindergarten through third grade.

- This would appropriate \$92,885,877.

*5/21/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Appropriations*

[HB 999 Restore LEA Flexibility Adjustment Funding](#) (Glazier, Michaux, Rapp, McLawhorn)

An Act to restore public school flexibility adjustment funding.

- This would appropriate \$503,067,940 to remove the “negative reserve” - also referred to as the discretionary cut – that requires school districts to make budget cuts at the local level and return the funds to the state.

*5/21/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Appropriations*

[HB 1002 Bill of Rights/Deaf/Hearing Impaired](#) (Blackwell, Holloway, Jordan, Gill)

An Act establishing a bill of rights for children who are deaf or hearing impaired, as recommended by The House Select Committee on Education Reform.

- This would create additional rights and processes different from what already is provided in federal and state laws related to children with disabilities.

*5/21/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Judiciary Subcommittee A*

[HB 1003 \(SB 842\) Child Nutrition Program Solvency and Support](#) (Howard)

An Act (1) to prohibit local school administrative units from assessing indirect costs to a Child Nutrition Program unless the program is financially solvent and (2) to appropriate funds to promote optimal pricing for child nutrition program foods and supplies, as recommended by [The Joint Legislative Program Evaluation Oversight Committee](#) based on recommendations from the Program Evaluation Division.

- This would appropriate \$80,000 to support the North Carolina Procurement Alliance.

*6/5/2012 Received a favorable report in the House Committee on Health and Human Services and re-referred to Appropriations*

[HJR 1004 Reform Workforce Development](#) (Howard)

A Joint Resolution expressing the opinion of the General Assembly that the local provision of Workforce Investment Act Services should be streamlined by realigning local workforce development areas with the boundaries of councils of governments established pursuant to G.S 160a-470, as recommended by the Program Evaluation Division and endorsed by the [Joint Legislative Program Evaluation Oversight Committee](#).

*5/21/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Commerce and Job Development*

[HB 1018 Yadkin Valley Career Academy](#) (Dockham)

**An Act to authorize approval of the Yadkin Valley Regional Career Academy as a Cooperative Innovative High School for the 2012-2013 school year.**

***6/21/2012 Ratified, Ch. SL 2012-48***

[HB 1030 \(SB 877\) Accountability for Taxpayer Investment Act](#) (Blackwell, Avila, Hager)

An Act to require state agencies and certain non-state entities to develop, implement, and maintain information systems that provide uniform, program-level accountability information regarding the programs operated by those agencies, as recommended by the LRC Committee on Efficiencies in State Government.

*5/22/2012 Passed 1<sup>st</sup> reading, referred to House Committee on Finance*

[HB 1031\(SB 878\) Smarter Gov. Business Intelligence Initiative](#) (Blackwell, Avila, Hager)

An Act to establish enterprise-wide business intelligence as a key component of all state governmental operations in order to maximize data integration and analytics, thereby yielding more efficient government and advancing innovation in North Carolina, as recommended by the Legislative Research Commission Study Committee on Efficiencies in State Government.

*5/22/2012 Passed 1<sup>st</sup> reading, referred to the Committee on Commerce and Job Development*

[HB 1042 \(SB 879\) Establish Efficiency & Cost Savings Commission](#) (Blackwell, Avila, Hager, Crawford)

An Act to establish the Joint Legislative Efficiency And Cost Savings in State Government Study Commission, as recommended by the LRC Committee on Efficiencies in State Government.

*5/23/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Rules, Calendar, and Operations of the House*

[HB 1045 Salary Increase for School Employees](#) (Glazier, Rapp, McLawhorn, Carney)

An Act to increase the salaries of public school employees.

*5/23/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Appropriations*

[HB 1046 Funds for Student 2 Student Initiative](#) (Glazier, Hamilton, Martin, Lucas)

An Act to appropriate funds for the Student 2 Student Initiative.

*5/23/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Appropriations*

[HB 1049 Bladen Community College Fed. Loan Program](#) (Brisson)

An Act to provide that Bladen Community College may opt out of participation in the William D. Ford Federal Direct Loan Program.

*6/12/2012 Committee substitute received a favorable report in the House Education Committee*

*6/13/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House*

*6/14/2012 Passed 1<sup>st</sup> reading in the Senate, referred to the Committee on State and Local Government*

[HB 1058 Reform Workforce Development](#) (Howard)

An Act initiating reform of the Workforce Development Laws of North Carolina, modifying the composition of the North Carolina Commission on Workforce Development, and establishing the Joint Legislative Workforce Development System Reform Committee, as recommended by the Joint Legislative Program Evaluation Oversight Committee based on recommendations from the Program Evaluation Division.

*5/23/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Finance*

[HB 1063 Excuse School Day for Johnston Co. School](#) (Langdon)

An Act to give the Johnston County Board of Education additional flexibility with regard to instructional time lost at McGee's Crossroads Elementary School.

*6/5/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the Senate*

*6/6/2012 Ratified Ch. SL 2012-5*

[HB 1065 Use Moore School Buses for 2012 US Open](#) (Boles, Hackney)

An Act to allow the Moore County Board of Education to (i) permit the use of public school buses to serve the transportation needs of the 2014 U.S. Open Golf Tournament and (ii) begin the 2013-2014 school year one week earlier.

*6/12/2012 Ratified, Ch/ SL 2012-27*

[HB 1071 Wake County School Board Organizational Meeting](#) (Gill, Ross, Murry, Jackson)

An Act to provide for the date for the organizational meeting of the Wake County Board of Education to be governed by general law.

*6/11/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House*

*6/12/2012 Passed 1<sup>st</sup> reading in the Senate, referred to the Senate Committee on Education/Higher Education*

[HB 1074 Stop Waste, Fraud, and Abuse in Govt. Act.](#) (Moffitt)

An Act to make changes to the statutes governing the Teachers' and State Employees' Retirement System, the Local Governmental Employees Retirement System, and the Disability Income Plan of North Carolina to enhance the operation of the medical board; to establish guidelines for fraud investigations that will enhance the Department of

State Treasurer's capability to prevent and detect fraud, waste, and abuse; to create a rebuttable presumption of fraud in the average final compensation calculation; and to make it a Class 1 misdemeanor to fraudulently receive the retirement benefit of a deceased disability retiree at least two months after the retiree's death.

*6/13/2012 Committee substitute received a favorable report in the House Committee on Finance, re-referred to Finance*

**HB 1085 State Health Plan/Statutory Changes** (Dollar)

An Act to, for the State Health Plan for Teachers and State Employees, which covers retirees within the Retirement System, (1) amend the definition of "dependent child" in order to comply with the affordable care act, (2) limit enrollment without a qualifying event to the annual enrollment period, (3) repeal the optional program of long-term care benefits, and (4) make a clarifying change related to coinsurance.

*6/12/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading on the House*

*6/13/2012 Passed 1<sup>st</sup> reading in the Senate, referred to the Committee on Insurance*

**HB 1094 Continue Local Food Advisory Council** (Bradley, Dixon)

An Act to rename the North Carolina Sustainable Local Food Advisory Council as the North Carolina local food advisory council and to extend the sunset on the law establishing the council, as recommended by the House Select Committee on Agricultural Regulations.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Agriculture*

**HB 1096 Simplify School Beverage Contract Bids** (Sanderson, LaRoque)

**An Act to save money by removing local school administrative units from the separate bid requirements for juice and water, as recommended by the House Select Committee on Childhood Obesity.**

*6/19/2012 Withdrawn from the Senate Education Committee, re-referred to the Rules and Operations of the Senate Committee*

*6/21/2012 Favorable report, committee substitute adopted*

**HB 1097 Fund Child Nutrition Salary & Benefit Costs Inc.** (Sanderson, LaRoque)

An Act to appropriate funds to the Department Of Public Instruction to offset the cost of salary and benefit increases required by the state for child nutrition personnel in local school administrative units, as recommended by the House Select Committee on Childhood Obesity.

*5/24/2012 Passed 1st reading in the House, referred to the House Committee on Appropriations Subcommittee on Health and Human Services*

**HB 1098 Continue the Sustainable Local Food Advisory** (Sanderson, LaRoque)

An Act to continue the work of the sustainable local food advisory council, as recommended by the House Select Committee on Childhood Obesity.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Health and Human Services*

**HB 1099 Support Procurement & Farm to School/Funds** (Sanderson, LaRoque)

An Act to reduce child nutrition program food costs by encouraging participation in the North Carolina Procurement Alliance and by appropriating funds for administrative support for the procurement alliance; and to encourage use of the farm to school program and appropriate funds for child nutrition program equipment to encourage preparation and consumption of locally grown fruits and vegetables, as recommended by The House Select Committee on Childhood Obesity.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the Committee on Agriculture, if favorable, Appropriations*

**HB 1104 Scholarship Funding Corporate Tax Credit** (Stam, Brisson, Hager, Brandon)

An Act to create a tax credit for corporations making donations to fund education scholarships.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Education, if favorable, Finance*

[HB 1112 \(SB 874\) Arts Education as a Graduation Requirement](#) (Carney, Johnson, Glazier, Adams)

An Act directing the State Board Of Education to require one arts education credit for graduation from high school, as recommended by the Arts Education Commission.

*5/24/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Education, if favorable Appropriations*

[HB 1113 Implementation of Comprehensive Arts Educ.](#) (Carney, Johnson, Glazier, Adams)

An Act directing local school administrative units to implement a comprehensive arts education plan, as recommended by the Arts Education Commission.

*5/24/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Education, if favorable Appropriations*

[HB 1119 LEAs Required to Enhance Arts Education](#) (Johnson, Carney)

An Act directing local school administrative units and Public Schools in North Carolina to enhance their arts education programs, as recommended by the Arts Education Commission.

*5/24/2012 Passed 1<sup>st</sup> reading in the House, referred to the House Committee on Education*

[HB 1125 Teen Dating Violence Prevention Act](#) (Horn)

An Act to provide for the education of North Carolina high school students about teen dating violence and abuse.

*5/25/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Education*

[HB 1126 Repeal Increase in Instructional Days](#) (Horn)

An Act to repeal the law increasing the number of instructional days in the public schools.

*5/25/2012 Passed 1<sup>st</sup> reading, referred to the Committee on Education*

[HB 1146 Make Disable Child Education Tax Credit Refundable](#) (Stam, Randleman, Jones, Jordan)

An Act to make the individual income tax credit for children with disabilities who require special education refundable.

*5/25/2012 Passed 1<sup>st</sup> reading in the House, referred to the Committee on Education if favorable, Finance*

[HB 1151 Restore Funds/Early Child Care & Ed. Services](#) (Insko, Rapp, McLawhorn, Glazier)

An Act to restore funding to the Department Of Health And Human Services, Division Of Child Development and Early Education, for various programs affecting early childhood education and care.

*5/29/2012 Passed 1<sup>st</sup> Reading, referred to the House Committee on Appropriations*

[HB 1152 Cap on Charter Schools/Durham County](#) (Luebke, Hall, Michaux)

An Act to limit the number of Charter Schools located in Durham County.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Education, if favorable, Finance*

[HB 1153 Standards for Charter Schools Durham County](#) (Luebke, Michaux, Hall)

An Act to set standards for Charter Schools located in Durham County.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Education, if favorable, Government*

[HB 1180 Video Sweepstakes Entertainment Tax](#) (Owens, Spear, Collins, McGee)

**An Act to impose a state tax on the privilege of operating a video sweepstakes establishment in this state and use the proceeds from the state tax for local law enforcement and public education and to authorize counties and cities to impose a tax on the privilege of operating a video sweepstakes establishment.**

*6/20/2012 Withdrawn from the Commerce and Job Development Committee, referred to House Finance Committee*

**HB 1183 Funds for NCCAT Teacher Leadership Initiative** (Haire)

An Act to appropriate funds for a Teacher Leadership Initiative operated by the North Carolina Center for the Advancement of Teaching.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Education, if favorable, Appropriations*

**HB 1186 Restore Budget Cuts/Add Temp. Sales Tax** (Faison, Hall)

An Act to provide for the restoration of personnel positions eliminated in the public schools, the University of North Carolina, the Community College System, and state government employment pursuant to the provisions of the 2011 Appropriations Act; to reduce program and service reductions in Medicaid and Health Choice; and to provide additional funding to the Highway Patrol and to the Savings Reserve Account, all in that order, by temporarily increasing the sales and use tax by seven-tenths of one percent until July 1, 2015.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Commerce and Job Development, if favorable, Appropriations, if favorable, Finance*

**HJR 1191 Resolution of Disapproval of Reorganization** (Cleveland)

A House Resolution specifically disapproving Executive Order No. 85, issued March 25, 2011, under provisions of the North Carolina Constitution granting either house of the General Assembly to do so, as the General Assembly  
*6/11/2012 Withdrawn from calendar, re-referred to the House Rules Committee*

**HB 1212 Chatham Local Government Info/Minors** (Hackney)

An Act as to the county of Chatham to broaden the exception to the public records act for identifying information of minors participating in local government parks and recreation programs to include all local government programs, and also to protect e-mail addresses of minors in such programs.

*6/7/2012 Committee substitute received a favorable report in the House Committee on Government, placed on House calendar for 6/11/2012*

## **SENATE BILLS**

**SB 416 School Buses/State Vehicles/Tires** (Harrington, Rabon, Forrester)

An Act providing that the state and local boards of education shall use the most cost-efficient tire retreads on and preserve critical tire information for state vehicles and school buses, respectively.

*6/6/2012 Committee substitute changing the bill to Amend Racial Justice Act received a favorable report in the Judiciary B subcommittee, re-referred to the Judiciary Subcommittee B.*

**SB 423 Educ. Oversight Comm. Study of Teacher Tenure** (Fisher, Cotham, Gill, Keever)

**An Act directing the Joint Legislative Education Oversight Committee to study the teacher tenure law.**

*6/20/2012 Withdrawn from the House Education Committee, re-referred to the Government Committee*

**SB 582 Authorize Indian Gaming/Revenue** (Apodaca, Davis, Nesbitt)

An Act to authorize additional Class III gaming on Indian lands pursuant to a Tribal-State Gaming Compact, to create the Indian Gaming Education Revenue Fund, and to appropriate funds.

- This would provide the necessary authorizing legislation for the First Amended & Restated Tribal State Compact entered into by Governor Perdue and the Eastern Band of Cherokee Indians.

*6/5/2012 Passed 3<sup>rd</sup> reading in the House.*

*6/6/2012 Concurred in the House, ratified, presented to the Governor*

*6/6/2012 Signed by the Governor, Ch. SL 2012-6*

**SB 707 School Violence Prevention Act** (Tucker)

**An Act to enact the School Violence Prevention Act.**

*6/18-19/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House, ordered engrossed*

*6/21/2012 Failed concurrence in the Senate*

**SB 724 An Act to Improve Public Education** (Stein, Tillman)

**An Act to implement various education reforms.**

**6/20/2012 Ratified, presented to the Governor**

**SB 755 Ed. Employees Assn./Equal Access Act.** (Tommy Tucker)

**An Act to enact the equal access act.**

*6/5/2012 Committee substitute received a favorable report in the House Committee on Education, withdrawn from the House calendar, re-referred to the House Committee on Rules, Calendar and Operations.*

**SB 795 Excellent Public Schools Act** (Apodaca, Berger, Tillman)

**An Act to make changes to improve K-3 literacy; provide literacy volunteer leave time; assign school performance grades; maximize instructional time; adjust school calendar start and end dates; fund five additional instructional days within the existing school calendar; establish an NC Teacher Corps; strengthen teacher licensure requirements; provide proof of state-funded liability insurance; establish plans for pay for excellence; end tenure; and eliminate public financing for the Office Of Superintendent of Public Instruction.**

- This extensive reform package was filed by President Pro Tempore Berger when the General Assembly returned during the interim for a special session on April 23. It is on the agenda for the Senate Education Committee on Education/Higher Education for Wednesday, May 23. It would appropriate the following: \$34,087,650 for early literacy and \$11,350,000 for additional five instructional days (\$1,200,000 for noninstructional support personnel and \$10,150,000 for transportation).

*6/4/2012 Passed 3<sup>rd</sup> reading in the Senate, engrossed*

*6/5/2012 Received in the House, passed 1<sup>st</sup> reading, referred to the House Committee on Education, if favorable, Appropriations*

**SB 803 Retirement Administrative Changes** (Stevens)

**An Act to make changes to the administration of the state retirement systems.**

*6/20/2012 Committee substitute received a favorable report in the House Personnel Committee*

*6/21/2012 Placed on calendar for 6/25/2012*

**SB 804 Retirement Technical Corrections** (Stevens)

**An Act to make technical and conforming changes to statutes affecting the state retirement systems.**

*6/20/2012 Committee substitute received a favorable report in the House Personnel Committee*

*6/21/2012 Placed on calendar for 6/25/2012*

**SB 805 Isothermal Community College Fed. Loan Program** (Westmoreland)

**An Act to provide that Coastal Carolina Community College and Isothermal Community College may opt out of participation in the William D. Ford Federal Direct Loan Program.**

*6/12/2012 Committee substitute received a favorable report in the House Education Committee*

*6/13/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House*

*6/14/2012 Received in the Senate for concurrence, referred to the Committee on Education/Higher Education*

**SB 810 Regulatory Reform Act of 2012** (Rouzer, Brown, Davis)

**An Act to (1) reestablish the Joint Legislative Administrative Procedure Oversight Committee; (2) make various technical and clarifying changes to the Administrative Procedures Act; (3) extend the effective date for changes to final decision-making authority in certain contested cases; (4) limit the period during which records of unclaimed property must be maintained; (5) require agencies to give written notice before auditing or examining a business; (6) clarify that the discharge of waste into waters of the state does not include the release of air contaminants into the outdoor atmosphere; (7) authorize rather than require the commission for public health to adopt rules for the testing of water from new drinking water wells for certain volatile organic compounds; (8) direct the Department of Environment and Natural Resources to track and report on permit processing times; (9) delay the effective date for compliance with wading pool fencing requirements from July 1, 2012, to January 1, 2013; and (10) direct the Commission for Public**

**Health to amend the rules governing the duration of permits for sanitary landfills and the period in which those permits are reviewed, as recommended by the Joint Regulatory Reform Committee.**

- This legislation is followed for its impact on the Department of Public Instruction and rule-making requirements.

*6/20-21/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading*

**SB 815 Reform Workforce Development** (Hartsell)

An Act initiating reform of the workforce development laws of North Carolina, modifying the composition of the North Carolina Commission on Workforce Development, and establishing the Joint Legislative Workforce Development System Reform Committee, as recommended by the [Joint Legislative Program Evaluation Oversight Committee](#) based on recommendations from the Program Evaluation Division.

*6/11/2012 Passed 2<sup>nd</sup> and 3<sup>rd</sup> reading in the Senate*

*6/11/2012 Passed 1<sup>st</sup> reading in the House, re-referred to the House Committee on Commerce and Job Development*

**SB 823 Repeal Prohibition on Teacher Prepayment** (Tillman, Preston, Soucek) (See also companion bill, H966)

An Act to repeal the prohibition on teacher prepayment provision in the School and Teacher Paperwork Reduction Act of 2011, as recommended by the [Joint Legislative Education Oversight Committee](#).

- This would repeal section 5 of SL 2011-379 (H720). The repeal would return salary payment requirements in G.S. 115C-302.1(b) to language existing prior to the 2011 Session.

*5/21/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Education, if favorable, referred to the Appropriations/Base Budget Committee*

**SB 842 (HB 1003) Child Nutrition Program Solvency and Support** (Hartsell)

An Act (1) to prohibit local school administrative units from assessing indirect costs to a Child Nutrition Program unless the program is financially solvent and (2) to appropriate funds to promote optimal pricing for child nutrition program foods and supplies, as recommended by [The Joint Legislative Program Evaluation Oversight Committee](#) based on recommendations from the Program Evaluation Division.

- This would appropriate \$80,000 to support the North Carolina Procurement Alliance.

*5/22/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Health Care*

**SB 851 Board and Commission Efficiency Act of 2012** (Brown, Rouzer, Soucek)

An Act to improve the efficiency of state government by abolishing certain state boards, commissions, and committees, reorganizing the membership of some state boards, commissions, and committees, and making conforming changes, as recommended by the Joint Regulatory Reform Committee.

*6/6/2012 Committee substitute received a favorable report in the Senate Program Evaluation Committee, committee substitute adopted*

*6/6/2012 Re-referred to the Senate Committee on Finance*

**SB 871 (HB 946) Restore Funding for Teaching Fellows Program** (Purcell)

An Act to restore funding for the Teaching Fellows Program.

- This would appropriate \$3,475,000 to restore funding.

*5/23/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Rules and Operations of the Senate*

**SB 874 (HB 1112) Arts Education as a Graduation Requirement** (Brunstetter)

An Act directing the State Board Of Education to require one arts education credit for graduation from high school, as recommended by the Arts Education Commission.

*5/23/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Education/Higher Education*

[SB 877 \(HB 1030\) Accountability for Taxpayer Investment Act](#) (Hise, Soucek)

An Act to require state agencies and certain non-state entities to develop, implement, and maintain information systems that provide uniform, program-level accountability information regarding the programs operated by those agencies, as recommended by the LRC Committee on Efficiencies in State Government.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Program Evaluation*

[SB 878 \(HB 1031\) Smarter Gov. Business Intelligence Initiative](#) (Hise, Soucek, Brock)

An Act to establish enterprise-wide business intelligence as a key component of all state governmental operations in order to maximize data integration and analytics, thereby yielding more efficient government and advancing innovation in North Carolina, as recommended by the Legislative Research Commission Study Committee on Efficiencies in State Government.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Program Evaluation*

[SB 879 \(HB 1042\) Establish Efficiency & Cost Savings Commission](#) (Hise, Soucek)

An Act to establish the Joint Legislative Efficiency And Cost Savings in State Government Study Commission, as recommended by the LRC Committee on Efficiencies in State Government.

*5/24/2012 Passed 1<sup>st</sup> reading, referred to the Senate Committee on Program Evaluation*

[SB 898 Bear Grass School Property Conveyance](#) (Jenkins)

An Act to require the Martin County Board Of Education to convey the Bear Grass School property to the Town of Bear Grass on a lease-to-purchase basis for specified consideration.

*5/29/2012 Passed 1<sup>st</sup> reading in the Senate, referred to the Committee on State and Local Government*

[SB 920 Increase Replacement Clyde/School Buses](#) (Tucker)

An Act to increase the replacement cycle on school buses and to reduce state expenditures for school buses accordingly.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the Senate Education/Higher Education Committee.*

[SB 924 Handgun on Ed. Property/Limited Exception](#) (Goolsby)

An Act to provide that a person who has a concealed handgun permit may carry a handgun on educational property that is the location of both a school and a place of worship during the regularly scheduled hours of worship, provided those hours do not coincide with the operating hours of the school.

*5/30/2012 Passed 1<sup>st</sup> reading, referred to the House Committee on Rules*

[SB 928 Repeal/Streamline DPI Reporting Requirements](#) (Tucker)

An Act to streamline public school reporting requirements.

*5/30/2012 Held as filed*

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